

Please type a plus sign (+) inside this box ☐

+

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Patent Number

6,972,185

Issue Date

December 6, 2005

First Named Inventor

DESNOYERS, ET AL.

Group/Art Unit

1647

Examiner Name

LANDSMAN, ROBERT S.

Total Number of Pages in This Submission

11

Attorney Docket Number

39780-2730P1C61

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Version with Markings Showing
Changes

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority
Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☒ Petition Pursuant to 37 CFR 1.324
Correction of Inventorship in an
Issued Patent

☒ Executed Statement of Omitted
Inventor under 37 CFR 1.324(b)(1)

☒ Executed Statement by Assignee
under 37 CFR 1.324(b)(3)

☒ Executed Statement of Currently
Named Inventors under 37 CFR
1.324(b)(2)

☐ Request for Refund

☐ After Allowance Communication
to Group

☐ Appeal Communication to Board
of Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Status Letter

☒ Additional Enclosure(s)
(please identify below):

stamped return postcard

Remarks

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES
DUE IN CONNECTION WITH THIS PAPER (Ref. Atty. Docket No. 39780-
2730P1C61).

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm
or
Individual name

DAPHNE REDDY, REG. NO. 53,507, HELLER EHRMAN, LLP

Signature

Daphne Reddy

Date

MAY 22, 2006

Customer Number:

35489

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop PETITIONS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this date: MAY 22, 2006

Express Mail Label EL 976 551 949 US

Typed or printed name

C. ROGERS

Signature

C. Rogers

Date

MAY 22, 2006

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 6,972,185) Examiner: Landsman, Robert S.
Issued: December 6, 2005) Art Unit: 1647
Title: **NUCLEIC ACIDS ENCODING**) Attorney's Docket No. 39780-2730P1C61
PRO844 POLYPEPTIDES)
Inventors: Desnoyers, et al.) **Customer No. 35489**

EXPRESS MAIL LABEL NO. EL 976 551 949 US

Date Mailed: May 22, 2006

**PETITION PURSUANT TO 37 C.F.R. § 1.324, CORRECTION OF
INVENTORSHIP IN AN ISSUED PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This Petition seeks to add Ellen Filvaroff as a joint inventor in the above-identified patent. Ms. Filvaroff was inadvertently and without deceptive intent not included as a joint inventor in the above-identified patent. Enclosed are the following documents in support of this Petition:

- (a) a statement signed by Ms. Filvaroff indicating that the error in inventorship in the above-referenced patent occurred without deceptive intent on her part;
- (b) a statement by the currently named inventors that they agree to the requested change;
- (c) a statement by Genentech, Inc., assignee of the entire title, right and interest in the above-captioned patent, agreeing to the requested change of inventorship; and
- (d) the fee set forth in 37 C.F.R. § 1.120(b) (\$130.00).

05/25/2006 MGBREM1 00000005 081641 6972185

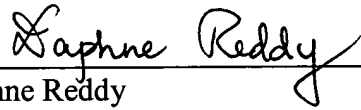
01 FC:1464 130.00 DA

**Petition Under 37 C.F.R. §1.324
Patent No. 6,972,185
Attorney's Docket No. 39780-2730P1C61**

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. **08-1641 (Attorney's Docket No. 39780-2730P1C61)**. Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: May 22, 2006



Daphne Reddy
Reg. No. 53,507

HELLER EHRMAN LLP
Customer No. 35489
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

SV 2196960 v1
5/22/06 11:11 AM (39780.2730)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 6,972,185) Examiner: Landsman, Robert S.
Issued: December 6, 2005) Art Unit: 1647
Title: **NUCLEIC ACIDS ENCODING**) Attorney's Docket No. 39780-2730P1C61
PRO844 POLYPEPTIDES)
Inventors: Desnoyers, et al.) **Customer No. 35489**

EXPRESS MAIL LABEL NO. EL 976 551 949 US

Date Mailed:

STATEMENT OF OMITTED INVENTOR UNDER 37 C.F.R. § 1.324(b)(1)

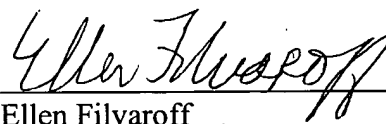
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Ellen Filvaroff, hereby state that I was omitted as an inventor in the above patent. I further state that this omission is due to an error which occurred without any deceptive intention on my part.

Respectfully submitted,

Date: 4/10/06


Ellen Filvaroff

SV 2197013 v1
4/4/06 2:28 PM (39780.2730)

Statement Under 37 C.F.R. §1.324(b)(1)
Patent No. 6,972,185
Attorney's Docket No. 39780-2730P1C61



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 6,972,185) Examiner: Landsman, Robert S.
Issued: December 6, 2005) Art Unit: 1647
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PRO844 POLYPEPTIDES)
Inventors: Desnoyers, et al.) **Customer No. 35489**

EXPRESS MAIL LABEL NO. EL 976 551 949 US

Date Mailed:

STATEMENT BY ASSIGNEE UNDER 37 C.F.R. § 1.324(b)(3)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

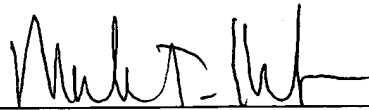
Dear Sir,

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). The assignment is recorded at Reel 012176 and Frame 0450. This assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

The undersigned hereby states that Assignee agrees to the correction of the inventorship of the above-identified patent to include Ellen Filvaroff as a joint inventor.

Respectfully submitted,

Date: _____



Title:

Address: 1 DNA Way
South San Francisco, CA 94080

SV 2197005 v1
4/4/06 2:29 PM (39780.2730)

Mark T. Kresnak, Ph.D.
Associate General Counsel-Patent Law
Genentech, Inc.
Authorized Corporate Signatory

Statement Under 37 C.F.R. §1.324(b)(3)
Patent No. 6,972,185
Attorney's Docket No. 39780-2730P1C61



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 6,972,185) Examiner: Landsman, Robert S.
Issued: December 6, 2005) Art Unit: 1647
Title: NUCLEIC ACIDS ENCODING) Attorney's Docket No. 39780-2730P1C61
PRO844 POLYPEPTIDES)
Inventors: Desnoyers, et al.) Customer No. 35489

EXPRESS MAIL LABEL NO. EL 976 551 949 US

Date Mailed:

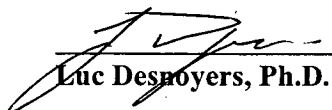
STATEMENT OF CURRENTLY NAMED INVENTORS
UNDER 37 C.F.R. § 1.324(b)(2)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

We, Luc Desnoyers, Audrey Goddard, Paul J. Godowski, Austin Gurney and William I. Wood, the currently named joint inventors in the above-identified patent, hereby state that we agree to the addition of Ellen Filvaroff as an inventor, as requested in a petition to correct inventorship pursuant to 35 U.S.C. § 256.

Respectfully submitted,



Luc Desnoyers, Ph.D.

04/10/2006

Date

Audrey Goddard, Ph.D.

Date

Paul J. Godowski, Ph.D.

Date

Austin Gurney, Ph.D.

Date

William I. Wood, Ph.D.

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 6,972,185) Examiner: Landsman, Robert S.
Issued: December 6, 2005) Art Unit: 1647
Title: NUCLEIC ACIDS ENCODING) Attorney's Docket No. 39780-2730P1C61
PRO844 POLYPEPTIDES) Customer No. 35489
Inventors: Desnoyers, et al.)

EXPRESS MAIL LABEL NO. EL 976 551 949 US
Date Mailed:

STATEMENT OF CURRENTLY NAMED INVENTORS
UNDER 37 C.F.R. § 1.324(b)(2)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Respectfully submitted,

Luc Desnoyers, Ph.D.

Date



Audrey Goddard, Ph.D.

4/20/06

Date

Paul J. Godowski, Ph.D.

Date

Austin Gurney, Ph.D.

Date

William I. Wood, Ph.D.

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 6,972,185) Examiner: Landsman, Robert S.
Issued: December 6, 2005) Art Unit: 1647
Title: NUCLEIC ACIDS ENCODING) Attorney's Docket No. 39780-2730P1C61
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Inventors: Desnoyers, et al.) Customer No. 35489

EXPRESS MAIL LABEL NO. EL 976 551 949 US

Date Mailed:

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UNDER 37 C.F.R. § 1.324(b)(2)

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Date

Paul J. Godowski, Ph.D.

Date

Austin Gurney, Ph.D.

Date

William I. Wood, Ph.D.

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Issued: December 6, 2005) Art Unit: 1647
Title: NUCLEIC ACIDS ENCODING) Attorney's Docket No. 39780-2730P1C61
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Inventors: Desnoyers, et al.) Customer No. 35489

EXPRESS MAIL LABEL NO. EL 976 551 949 US
Date Mailed:

STATEMENT OF CURRENTLY NAMED INVENTORS
UNDER 37 C.F.R. § 1.324(b)(2)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

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Austin Gurney, Ph.D.

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William I. Wood, Ph.D.

Date



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent No.: 6,972,185) Examiner: Landsman, Robert S.
Issued: December 6, 2005) Art Unit: 1647
Title: NUCLEIC ACIDS ENCODING) Attorney's Docket No. 39780-2730P1C61
PRO844 POLYPEPTIDES) Customer No. 35489
Inventors: Desnoyers, et al.)

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Date Mailed:

STATEMENT OF CURRENTLY NAMED INVENTORS
UNDER 37 C.F.R. § 1.324(b)(2)

Commissioner for Patents
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Luc Desnoyers, Ph.D.

Date

Audrey Goddard, Ph.D.

Date

Paul J. Godowski, Ph.D.

Date

Austin Gurney, Ph.D.

Date



William I. Wood, Ph.D.

4/10/06

Date

COMBINED FEE TRANSMITTAL for FY 2006

Effective 12/08/2004. Patent fees are subject to annual revision.

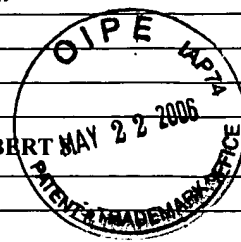
PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$130.00)

Complete if Known

Patent Number **6,972,185**
Issue Date **December 6, 2005**
First Named Inventor **Desnoyers, et al.**
Examiner Name **LANDSMAN, ROBERT**
Art Unit **1647**
Attorney Docket No. **39780-2730P1C61**



METHOD OF PAYMENT (check one)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number: **08-1641 (Atty. Docket No. 39780-2730P1C61)**

Deposit Account Name: **Heller Ehrman LLP**

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below
☒ Credit any overpayments and charge any deficiencies
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the deposit account

FEE CALCULATION (continued)

4. PETITION FEES UNDER 37 CFR 1.17 (f) Fee Paid
Fee Code: 1462 Fee \$ 400 For petitions filed under:
§ 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)

5. PETITION FEES UNDER 37 CFR 1.17 (g) Fee Paid
Fee Code: 1463 Fee \$ 200 For petitions filed under:
§ 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25

6. PETITION FEES UNDER 37 CFR 1.17 (h) Fee Paid
Fee Code: 1464 Fee \$ 130 For petitions filed under:
§ 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314

7. PROCESSING FEES UNDER 37 CFR 1.17 (i) Fee Paid
Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under:
§ 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(e); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81
130.00

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Applicati on Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	Entity Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	135	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

SUBTOTAL (1) \$ 0

2. EXTRA CLAIM FEES

Entity Fee (\$)	Small Entity Fee (\$)	Fee Description
50	25	Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent
200	100	Each Independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent
360	180	Multiple dependent claim, if not already paid

Extra Claims		Fee from above	Fee Paid	
Total Claims	-20** =		x	
Independent Claims	-3** =		x	

**or number previously paid, if greater; For Reissues see below

Multiple Dependent **\$ 0**

SUBTOTAL (2) \$ 0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)

Total Sheets	Extra Sheets	Number of each additional 50	Fee (\$)	Small Entity Fee (\$)
	-100 =	/50 =	x 250 OR x 125	
SUBTOTAL (3)			\$ 0	

8. OTHER FEES

Entity Fee (\$)	Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	For filing a request for <i>ex parte</i> reexamination	
920*	920*	Requesting publication of SIR prior to Examiner action	
1,840*	1,840*	Requesting publication of SIR after Examiner action	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1,020	510	Extension for reply within third month	
1,590	795	Extension for reply within fourth month	
2,160	1,080	Extension for reply within fifth month	
500	250	Filing a brief in support of an appeal	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1,510	1,510	Petition to institute a public use proceeding	
500	250	Petition to revive - unavoidably abandoned application	
1,500	750	Petition to revive - unintentionally abandoned application	
50	50	Processing fee for provisional apps (37 CFR 1.17(q))	
180	180	Submission of Information Disclosure Statement	
1,000	500	Request for oral hearing	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
790	395	Request for Continued Examination (RCE)	
900	900	Request for expedited examination of a design application	

Other fee (specify)

SUBTOTAL (4+5+6+7+8) \$ 130.00

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) **DAPHNE REDDY** Registration No. **53,507**
Signature *Daphne Reddy* Date **MAY 22, 2006**

Complete (if applicable)

Telephone **650 324-7000**
Customer No. **35489**